

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23162 of 2019

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Binod Kumar S/o Santlal Ram Resident of Village- Katka, P.s.- Khanpura,
Khiri Mor, P.s.- Paliganj, district- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The District Magistrate Patna
3. The Sub Divisional Officer Paliganj, Patna
4. The Block Supply Officer Paliganj, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anujit Sinha, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 06-02-2020

Heard Mr. Anujit Sinha for the petitioner and Mr.
Upendra Pratap Singh for the State.

The petitioner has challenged the order dated 19.10.2019 passed by the Sub-Divisional Officer, Paliganj, Patna whereby the license of the petitioner has been cancelled. The license of the petitioner had earlier been cancelled by order dated 19.01.2019 by the same Sub-Divisional Officer, Paliganj, Patna.

The petitioner had approached this Court against such order of cancellation *vide* C.W.J.C. No. 3379 of 2019 which was disposed of on 27.07.2019 with a direction to pass a fresh order in accordance with law after giving appropriate opportunity of hearing to the petitioner and the



show cause together with the materials on which the licensing authority would like to rely upon.

The order of cancellation of license was but primarily set aside by this Court as there was no hint of any contemplation of cancellation of license of the petitioner in the show cause notice which was issued to him. The matter was again heard by the concerned Sub-Divisional Officer who has passed the order impugned.

This time, the order is without any reason and all that has been stated therein is that the explanation offered by the petitioner is not at all acceptable. What is the reason for coming to this conclusion has been left for the imagination of the superior court.

This is not the manner in which a licensing authority has to pass an order, especially when the order is being passed on remand by the High Court. The manner in which the order has been passed reflects complete non-application of mind and perhaps recalcitrance of the officer concerned in not taking the directions of this Court seriously in providing reasons for the order which is passed. This is definitely not a healthy state of affairs.

The order dated 19.10.2019 is set aside.

The Sub-Divisional Officer, Paliganj, Patna is directed to pass fresh order in accordance with law giving



reasons for coming to his conclusion within a period of four weeks of the production/receipt of a copy of this order.

The District Magistrate, Patna be also served with a copy of this order by the Court office to take up the issue with the concerned licensing officer.

A copy of this order be also sent to the office of the Advocate General for his information.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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